UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,471	04/12/2001	Paul J. Rankin	PHGB 000048	2814

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EXAMINER
PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/833,471	RANKIN, PAUL J.
		Examiner	**Art Unit**
		Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-17 are subject to examination.

Oath/Declaration

2.   The declaration filed on 7/11/2006 under 37 CFR 1.131 has been considered but

is ineffective to overcome the U.S. Publication 2002/0022453 A1 Balog et al. reference.

3.   The declaration was not analyzed in details, however, It was noticed that   the

evidence submitted is insufficient to establish diligence from a date prior to the date of

reduction to practice of the U.S. Publication 2002/0022453 A1 Balog et al. reference to

either a constructive reduction to practice or an actual reduction to practice.

4.   The declaration alleges that diligence to reduce the invention to practice

commenced at least as early as November 05, 1999, but there is no allegation or

evidence offered that such diligence continued until the invention was actually reduced

to practice or until the filing of the international application on 04/15/2000 .

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

6.   Claims   1-3, 5, 6 and 10-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Balog et al. (hereinafter Belog) (US 2002/0022453 A1) in view of

Middleton et al. (US 6,393, 407).

Referring to claim 1,

Balog teaches a communication system comprising at least one server (Fig. 1, elements 30 and 32) and a plurality of user stations the user stations include terminals arranged to receive information from the at least one server via a first network; (Fig. 1, elements 16, para.[0006], "<u>For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these **devices can form an ad hoc wireless network.**</u> In such a network, each device can operate not only as a host but also a router, forwarding data packets for other mobile devices in the network that may not be within communication range of each other.",)

wherein the user station further includes a portable communications device coupled with said terminal and communicatively coupled to the at least one server via a <u>second network</u> (para.[0006], "For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these devices can form an ad hoc wireless network. In such a network, each device can operate not only as a host **but also a router, forwarding data packets for other mobile devices in the network** that may not be within communication range of each other.", and "para.[0022]," Such a target device 16 is preferably configured to conform with the BLUETOOTH technology specifications and may include a personal computer (PC), a cellular phone, a telephone, a personal digital assistant (PDA), an appliance, an audio player or a vehicle.")

Balog does not teach "wherein the user terminal is configured to perform the automatic acquisition of data for the profile database, said data being transferred, for storage in the profile database, to the at least one server via said portable communications device following establishment of a connection via said second network." and "storage means, coupled to the at least one server, holding a profile database, the profile database containing data representing <u>a characteristic behaviour</u> of an associated user identifiable by the user's terminal network address or addresses, wherein the at least one server automatically acquires such data in response to an activity of the associated user and storing the same together with the associated user terminal network address or addresses in the profile database."

Middleton teaches ""wherein the user terminal is configured to perform the automatic acquisition of data for the profile database (Fig. 1, element 20a), said data being transferred, for storage in the profile database, to the at least one server following establishment of a connection via said second network.(" In the preferred implementation of state 120, the activity log 13 is sent to the server 12b via a "dummy" HTTP GET message sent via a "back channel" to the server 12b at the time that the user leaves the present page 40. In particular, this back channel is a second network connection, <u>different from the network connection used to fetch the Web page and download the applet in step 100.</u> The dummy message is encoded as an HTTP GET with interaction log data shared in the GET message in such a way as to appear to be part of an extended address, for example. Thus, the browser program 28 does not need to perform any special functions or otherwise be modified.") and "storage means,

coupled to the at least one server (Fig. 1, elements 12b and 60) , holding a profile database, the profile database containing data representing <u>a characteristic behaviour</u> of an associated user identifiable by the user's terminal network address or addresses (Fig. 2 elements 108-116), wherein the at least one server automatically acquires such data in response to an activity of the associated user and storing the same together with the associated user terminal network address or addresses in the profile database."(col. 2, line 42-53).

Therefore it would have been obvious to one of ordinary skill in this art at the time the invention was made to apply the teachings of transferring the user's terminal collected user characteristic behaviour to server through back channel via any other user's blue tooth device as blue tooth allows the user's Bluetooth device such as a cell phone to be a router to send the characteristic behaviour to the server through a second net work such as wireless network for cellular phone by applying the User's attributes taught by Balog which overcomes the Blue Tooth problems (Balog para. [0007] and [0008]) that currently the user of multiple devices faces.

Referring to claim 2,

Balog teaches the system as claimed in Claim 1, wherein said portable communications device comprises a mobile telephone, said second network is a telecommunications network. (Fig. 1, elements 18 and 20)

Referring to claim 3,

Balog teaches the system as claimed in Claim 1, wherein the first network is the Internet and the user terminals comprise at least a display device coupled with processing

means hosting an Internet browser and user-operable means for control of the same. (Fig. 1, elements 16, para.[0006], "For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these **devices can form an ad hoc wireless network.** In such a network, each device can operate not only as a host but also a router, forwarding data packets for other mobile devices in the network that may not be within communication range of each other.",)

Referring to claims 5 and 6,

Balog teaches the system as claimed in claim 1, wherein the: coupling between the portable communications device and the respective user terminal comprises a wireless link, and the system as claimed in Claim 5, wherein data transfer via said wireless link follows a predetermined set of message transfer protocols. (para.[0006], "For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these devices can form an ad hoc wireless network. In such a network, each device can operate not only as a host **but also a router, forwarding data packets for other mobile devices in the network** that may not be within communication range of each other.", and "para.[0022]," Such a target device 16 is preferably configured to conform with the BLUETOOTH technology specifications and may include a personal computer (PC), a cellular phone, a telephone, a personal digital assistant (PDA), an appliance, an audio player or a vehicle.")

Referring to claim 10,

Balog teaches the apparatus as claimed in claim 1, wherein the each said portable communications device further comprises the technical features of the respective user terminal. (para.[0006], "For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these devices can form an ad hoc wireless network. In such a network, each device can operate not only as a host **but also a router, forwarding data packets for other mobile devices in the network** that may not be within communication range of each other.", and "para.[0022]," Such a target device 16 is preferably configured to conform with the BLUETOOTH technology specifications and may include a personal computer (PC), a cellular phone, a telephone, a personal digital assistant (PDA), an appliance, an audio player or a vehicle.")

Referring to claim 11,

Balog teaches the apparatus as claimed in claim 1, wherein the coupling with said user terminal is by wireless transmission therefrom, and the portable communications device means for receiving wireless transmissions from the terminal are further configured to receive additional data transmitted wirelessly from other sources. (para.[0006], "For example, a consumer may be presented with a choice of a mobile phone, a PDA or personal computer, and by implementing BLUETOOTH connectivity between these devices, these devices can form an ad hoc **wireless network.** In such a **network, each device can operate not only as a host but also a router, forwarding data packets for other mobile devices in the network** that may not be within communication range of each other.", and "para.[0022]," Such a target device 16 is

preferably configured to conform with the BLUETOOTH technology specifications and may include a personal computer (PC), a cellular phone, a telephone, a personal digital assistant (PDA), an appliance, an audio player or a vehicle.")

Referring to claim 12,

Claim 12 is a claim to method that is carried out by the apparatus of claim 1 . Therefore, claim 12 is rejected for the reasons set forth for claim 1 .

Referring to claim 13,

Balog teaches the teaches method as claimed in claim 12, wherein said portable communications device comprises a mobile telephone and stored access data for establishing connection comprises a telephone number for said mobile telephone. (para.[0022]," Such a target device 16 is preferably configured to conform with the BLUETOOTH technology specifications and may include a personal computer (PC), a cellular phone, a telephone, a personal digital assistant (PDA), an appliance, an audio player or a vehicle.")

Referring to claim 14,

Claim 14 includes all limitations of claim 1 . Therefore, claim 14 is rejected for the reasons set forth for claim 1.

Referring to claims 15 and 17,

Keeping in mind the teachings of Balog as stated above, Balog fails to teach the system of claim 14, wherein said system is further configured to perform said transferring to make a sales solicitation, and wherein the transferring makes a sales solicitation.

Middleton teaches "col. 6, line 12-30, "This information is then sent to the logging server 12b and is used prior to loading the manufacturer's Web page. Thus, the relative interest in a particular type of shoe may be gauged before the advertiser's Web page is loaded or, indeed, a lack of interest, in particular lead or "teaser" items, may be determined prior to the user requesting that the manufacturer's Web page be loaded. (wherein said system is further configured to perform said transferring to make a sales solicitation, and wherein the transferring makes a sales solicitation).

Therefore it would have been obvious to one of ordinary skill in this art at the time the invention was made to apply the teachings of transferring the user's terminal collected user characteristic behaviour to server through back channel via any other user's blue tooth device as blue tooth allows the user's Bluetooth device such as a cell phone to be a router to send the characteristic behaviour to the server through a second net work such as wireless network for cellular phone by applying the User's attributes taught by Balog which overcomes the Blue Tooth problems (Balog para. [0007] and [0008]) that currently the user of multiple devices faces and as Middleton teaches "relative interest in a particular type of shoe may be gauged before the advertiser's Web page is loaded or, indeed, a lack of interest, in particular lead or "teaser" items, may be determined prior to the user requesting that the manufacturer's Web page be loaded."

Referring to claim 16,

Keeping in mind the teachings of Balog as stated above, Balog fails to teach wherein the transferring makes a sales solicitation.

Middleton teaches "col. 6, line 12-30, "This information is then sent to the logging server 12b and is used prior to loading the manufacturer's Web page. Thus, the relative interest in a particular type of shoe may be gauged before the advertiser's Web page is loaded or, indeed, a lack of interest, in particular lead or "teaser" items, may be determined prior to the user requesting that the manufacturer's Web page be loaded. (wherein the transferring makes a sales solicitation).

Therefore it would have been obvious to one of ordinary skill in this art at the time the invention was made to apply the teachings of transferring the user's terminal collected user characteristic behaviour to server through back channel via any other user's blue tooth device as blue tooth allows the user's Bluetooth device such as a cell phone to be a router to send the characteristic behaviour to the server through a second net work such as wireless network for cellular phone by applying the User's attributes taught by Balog which overcomes the Blue Tooth problems (Balog para. [0007] and [0008]) that currently the user of multiple devices faces and as Middleton teaches "relative interest in a particular type of shoe may be gauged before the advertiser's Web page is loaded or, indeed, a lack of interest, in particular lead or "teaser" items, may be determined prior to the user requesting that the manufacturer's Web page be loaded."

7.   Claims 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balog et al. (hereinafter Belog) (US 2002/0022453 A1) in view of Middleton et al. (US 6,393, 407) as applied to claim 1 above, and further in view of Trost et al. (hereinafter Trost)(US 2002/0151275 A1).

Referring to claim 4,

Keeping in mind the teachings of Balog and Middleton as indicated in claim 1 above including data from the World Wide Web, both of these references fail to teach wherein one or more of said terminals comprises a television receiver.

Trost teaches in para. [0041], "In FIG. 1 the following Bluetooth systems are illustrated. A Personal Digital Assistant (PDA) 103 is coupled to a Bluetooth wireless transceiver 105A. A fax machine 107 is coupled to a Bluetooth wireless transceiver 105B. A telephone 109 is coupled to a Bluetooth wireless transceiver 105C. A telephone network, represented by telephone wall plug 111, is coupled to a Bluetooth wireless transceiver 105D. A printer 113 is coupled to a Bluetooth wireless transceiver 105E. A computer is coupled to a Bluetooth transceiver 105F. A keyboard is coupled to a Bluetooth transceiver 105G. By using Bluetooth technology all of the devices of FIG. 1 can communicate with each using Bluetooth radio frequency (RF) connections without interconnecting cables."

Therefore it would have been obvious to one of ordinary skill in this art at the time the invention was made to apply the teachings of Trost to the combines teachings of Balog and Middleton such that a home TV can also be provided with a Bluetooth wireless transceiver 105B to access and display communicate with server on World Wide Web same as computer.

Referring to claim 7, 8 and 9,

Keeping in mind the teachings of Balog and Middleton as indicated in claim 1 above, both of these references fail to teach the system as claimed in Claim 1, wherein the

portable communications device further comprises a buffer arranged to store data received from said the at least one server and addressed to the respective user terminal, and means for reading stored data from said buffer and sending said data on to the user terminal, and the system as claimed in Claim 7, wherein a said portable communications device further comprises means configured to determine whether a respective user terminal is available to receive data from said the at least one server and, if so, to forward such data and, if not, to buffer such data until such time as either the respective user terminal becomes available or the buffer becomes full, and the system ' as claimed in Claim 7, wherein a said portable communications device further comprises means configured to determine whether said the at least one server is available to receive data from a respective user terminal and, if so, to forward such data and, if not, to buffer such data until such time as either the server becomes available or the buffer becomes full.

Trost teaches in para. [0099], "In a third embodiment of the invention, hardware automatically transmits HCI_Host_Number_Of_Completed_Packets to the host. these events indicate how much buffer space in the Bluetooth device has been made available by data in the having been transmitted and acknowledged, or otherwise flushed." And para. [0100], "In a fourth embodiment of the invention, hardware automatically receives the HCI_Host_Number_Of_Completed_Packets command from the host telling the Bluetooth device how much buffer space in the host has been freed since the last such command, so that the Bluetooth device doesn't send too much data to the host."

Therefore it would have been obvious to one of ordinary skill in this art at the time

the invention was made to apply the teachings of Trost to the combines teachings of

Balog and Middleton such that "The third piece of information that must be determined

is how much data there is in a transmit buffer to send." (Trost, Para.[0116]). It would

have been obvious to apply such that as Bluetooth and Middleton combination allows

the user profile collected at user's terminal be transmitted to the server through the

user's Bluetooth device such as cell phone having limitations on it's storage capacity on

board.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses,

to fully consider the references in entirety as potentially teaching all or part of the

claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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